

**FINDING OF NO SIGNIFICANT IMPACT (FONSI)
SECTION 26a APPROVAL FOR
NORTH TOE RIVER BRIDGES ON NORTH CAROLINA STATE ROUTE (SR) 197 AND
SR 1304
NORTH TOE RIVER MILES 11.8 AND 0.5, RESPECTIVELY
YANCEY AND MITCHELL COUNTIES, NORTH CAROLINA**

The Proposed Action

North Carolina Department of Transportation (NCDOT) proposes to construct new bridges for SR 197 and SR 1304 across the North Toe River. The new location bridges would require approval under Section 26a of the TVA Act. The project involves formal consultation under the Endangered Species Act for potential impacts to the Appalachian elktoe mussel. In addition, the existing bridge on SR 197 has been determined eligible for the National Register of Historic Places (NRHP). TVA has prepared an environmental assessment (EA) to document its consideration of bridge demolition, construction, and operation, and the potential impacts of these actions on endangered species and historic properties.

Alternatives

For each bridge, replacement at the existing location and upstream and downstream of the existing bridges was analyzed. A location downstream of the existing bridge was selected for the SR 1304 bridge and a location upstream of the existing bridge was selected for the NC 197 bridge replacement. In both cases, a no action alternative was not studied in detail due to the age and deteriorated condition of the bridge. Rehabilitation or replacement of the existing bridge in the same location also was not studied in detail due to the age and deteriorated condition, as well as the need for extensive detours.

For SR 1304, a new bridge 50 feet downstream of the existing structure (Alternative B) would be less costly than an upstream alternative and would be shorter, thus having less environmental impact. For SR 197, the bridge would be replaced 180 feet upstream (east) of the existing structure. This alternative (Alternative 4A) would have the least impacts on the aquatic environment and less reconstruction of approach roadways.

Impact Assessment

Demolition of the existing bridges and construction of a new bridge at both sites has the potential to kill or harm individuals of the Appalachian elktoe, which was collected at both bridge sites. The North Toe River at both bridge sites is also designated Critical Habitat for the species. Formal consultation on the impact to the Appalachian elktoe was conducted by Federal Highway Administration (FHWA) as the lead federal agency, on behalf of TVA as a cooperating federal agency. A Biological Assessment was transmitted to the U.S. Fish and Wildlife Service (FWS) on February 17, 2006. Subsequently, FWS issued its Biological Opinion (BO) and incidental take statement on July 6, 2006. The BO requires that the agencies implement specific conservation measures, reasonable and prudent measures, and terms and conditions in order to avoid jeopardy to the Appalachian elktoe or destruction or adverse modification of its critical habitat. These measures include mussel relocation prior to construction and deck drains to redirect stormwater through vegetated buffers before entering the river.

Numerous other conservation measures would be implemented during bridge demolition that include removing asphalt in a manner that prohibits material from entering the river, removing fill material from piers, prohibiting use of explosives, and limiting use of selected equipment and minimal in-river equipment landing (temporary causeway) areas. Adherence to requirements of the BO would minimize impacts to endangered and threatened species and aquatic resources.

The SR 1304 bridge was determined to be ineligible for listing on the NRHP. On May 1, 1997, the North Carolina State Historic Preservation Officer (SHPO) concurred that there were no properties eligible for the NRHP in the vicinity of the SR 1304 bridge. FHWA and North Carolina Department of Transportation (NCDOT), in consultation with the SHPO, determined that the existing SR 197 bridge was eligible for the NRHP. FHWA determined that the bridge could not be rehabilitated and still meet National Register criteria. In addition, no responsible party would maintain and preserve the bridge. Demolition of the bridge would be considered an adverse effect under regulations implementing Section 106 of the National Historic Preservation Act (NHPA). FHWA, NCDOT, Advisory Council on Historic Preservation (ACHP), and the SHPO signed a Memorandum of Agreement (MOA) to resolve adverse effects on October 13, 1998. The MOA required photographic documentation of the bridge. TVA has independently reviewed the determination of eligibility of the SR 197 bridge and agrees with the mitigation identified in the MOA. On October 19, 2004, TVA formally concurred in the MOA, completing its obligations under Section 106 of the NHPA. As described in the attached EA, there would be no or insignificant effects to other aspects of the human environment.

Mitigation

As part of its standard conditions for Section 26a approval, TVA would require use of Best Management Practices for all bridge construction activities. These have been transmitted to NCDOT by letter of March 5, 1997, as TVA's Water Management special conditions. As described in the Programmatic Section 4(f) evaluation dated September 2, 2003, all photographic documentation was deposited in the offices of the North Carolina SHPO. Therefore, required mitigation for the historic bridge was completed. TVA would include the following special mitigation measure in its Section 26a approval documents:

- NCDOT will adhere to all Conservation Measures, Reasonable and Prudent Measures, and Terms and Conditions contained in the BO dated July 6, 2006.

Conclusion and Findings

Based on the EA, we conclude that Section 26a approval of the construction of new bridges for SR 197 and SR 1304 across the North Toe River at Alternatives 4A and B, respectively, would not be a major federal action significantly affecting the environment. Accordingly, an environmental impact statement is not required. This Finding of No Significant Impact is contingent upon adherence to the measures in the BO dated July 6, 2006.

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Date